Case: 1:22-mj-00091
Assigned to: Judge Meriweather, Robin M.
Assign Date: 5/3/2022
Description: COMPLAINT W/ ARREST WARRANT

STATEMENT OF FACTS

Your affiant, [redacted] is a Special Agent assigned to the Omaha Field Office, Des Moines Resident Agency, Joint Terrorism Task Force. In my duties as a special agent, I investigate allegations associated with international terrorism and domestic terrorism. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

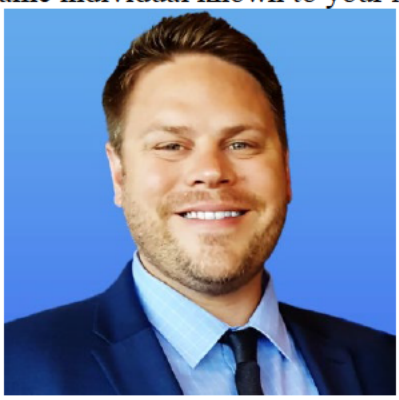
At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On or about January 20, 2021, the FBI received a letter from an anonymous writer (Witness-1) stating that Witness-1 was informed by a person, who spoke with the wife of CHAD HEATHCOTE (HEATHCOTE) and who provided Witness-1 with the information he/she then reported to the FBI, including HEATHCOTE's name. Witness-1 provided HEATHCOTE's name and his wife's name and identified his city of residence as West Des Moines. Witness-1 was informed that HEATHCOTE drove to Washington, D.C. along with an associate. HEATHCOTE told his wife that he was at the Trump rally and the writer did not know if HEATHCOTE continued to the White House.[1] Witness-1 included photographs of HEATHCOTE with a female, believed to be HEATHCOTE's wife.

Your affiant has reviewed HEATHCOTE's Iowa Driver's License Photograph and publicly available LinkedIn profile photograph (depicted below). The pictures provided by Witness-1 appears to depict the same individual known to your Affiant as HEATHCOTE.

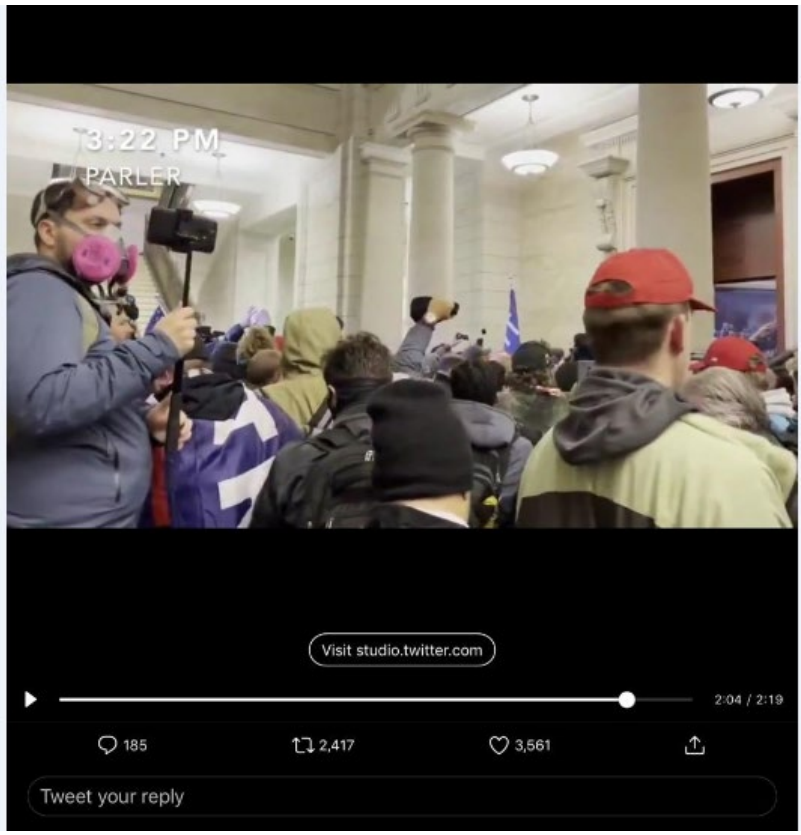


(HEATHCOTE's LinkedIn profile photograph)

[1] The writer wrote White House but likely meant the U.S. Capitol.

On or about February 10, 2021, the FBI received an additional tip from another witness (Witness-2) stating that "Chad" bragged on Facebook about being in Washington, D.C. to stop the steal. However, he took down his Twitter and Facebook account the day after the riot. Witness-2 said "Chad" could be seen on video of the riot that was shown at the Impeachment "Trail," likely meaning "trial," and was wearing a pink gas mask. Witness-2 also described "Chad" as recording with a phone attached to a selfie stick. On or about March 29, 2021, the FBI conducted an interview of Witness-2. Witness-2 reported viewing a MSNBC news article when he/she recognized HEATHCOTE in a photograph. Witness-2 knows HEATHCOTE through mutual friends and is highly certain the person he/she observed was HEATHCOTE. Witness-2 further stated that other mutual friends also recognized HEATHCOTE from the MSNBC photographs. Witness-2 then showed the FBI images from the news depicting a person inside of the U.S. Capitol wearing a pink mask, some of which are depicted below. Witness-2 indicated that the person in those images was HEATHCOTE. Based upon further investigation, your Affiant does not believe that the person in the pink mask in the news photos provided by Witness-2 is HEATHCOTE. Witness-2 also provided the FBI the above-described LinkedIn profile photograph, which your Affiant believes does depict HEATHCOTE.

(*photograph provided by Witness-2*)



(*photograph provided by Witness-2*)

Witness-2 further stated that he/she was friends with HEATHCOTE on Facebook but that HEATHCOTE deleted his profile on or about January 7, 2021. Witness-2 did not observe any posts on HEATHCOTE's Facebook page depicting him inside of the Capitol. However, prior to the deletion, HEATHCOTE was bragging about being at the U.S. Capitol. Witness-2 provided the FBI with HEATHCOTE's Facebook username, which is Chad Heathcote. Witness-2 further stated that he/she has not seen HEATHCOTE for approximately one year but believes HEATHCOTE lives in West Des Moines, Iowa.

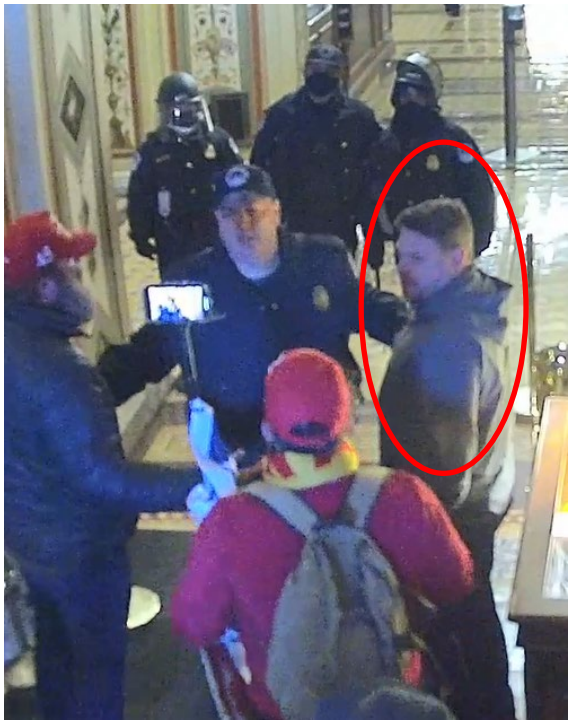
Records lawfully provided by Facebook revealed that the Facebook account provided by Witness-2 is registered to HEATHCOTE with telephone number XXX-XXX-1934. Facebook further revealed that the account was deactivated on or about January 8, 2021. Records lawfully received from Verizon identified the subscriber of telephone number XXX-XXX-1934 as HEATHCOTE.

According to records obtained through a search warrant served on Google, a mobile device associated with chad63e@gmail.com was present at the U.S. Capitol on January 6, 2021. Google estimates device location using sources including GPS data and information about nearby Wi-Fi access points and Bluetooth beacons. This location data varies in its accuracy, depending on the source(s) of the data. As a result, Google assigns a "maps display radius" for each location data point. Thus, where Google estimates that its location data is accurate to within 10 meters, Google assigns a "maps display radius" of 10 meters to the location data point. Finally, Google reports that its "maps display radius" reflects the actual location of the covered device approximately 68%

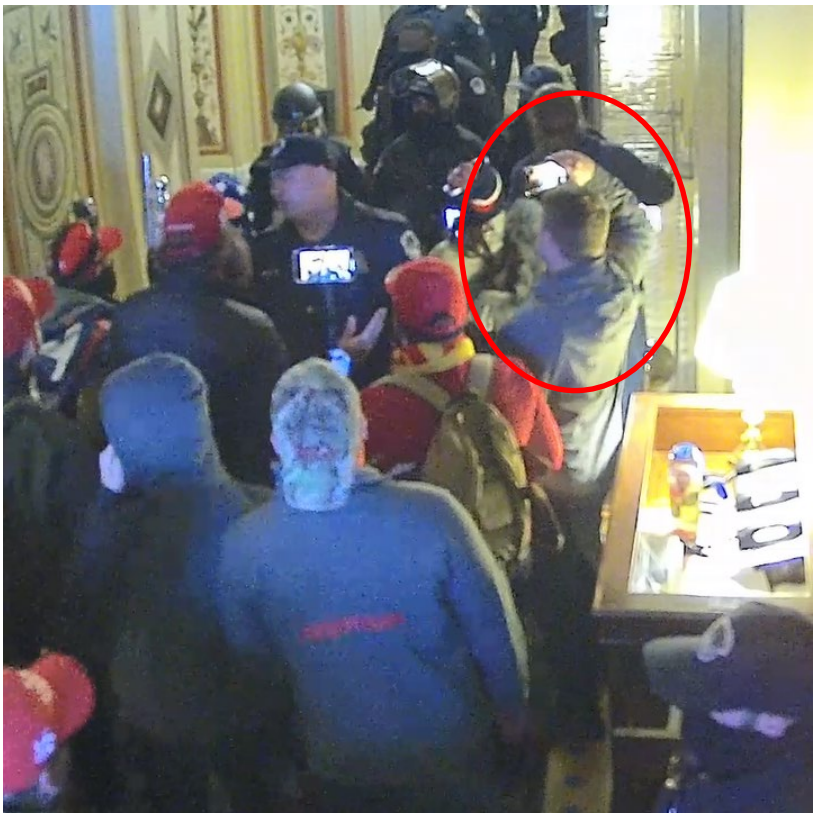
of the time. In this case, Google location data shows that a device associated with chad63e@gmail.com was within the northern wing of the U.S. Capitol at 15:06 EST on January 6, 2021. Google records show that the "maps display radius" for this location data was 7 meters, which encompasses an area that is entirely within the U.S. Capitol Building.

Google later provided the subscriber information for e-mail address chad63e@gmail.com, which revealed that the e-mail address is subscribed to Chad Heathcote with a recover SMS of XXX-XXX-1934.

Additionally, FBI personnel reviewed video footage from the U.S. Capitol security cameras during the times in which HEATHCOTE's cellular telephone was identified as being located inside of the Capitol. In reviewing the video footage, FBI personnel identified HEATHCOTE as being physically present inside the U.S. Capitol, more specifically entering the north side of the capitol and being stopped by law enforcement. HEATHCOTE then raised what appears to be a cellular telephone phone in his hand, as though he was filming or photographing the area.



(*HEATHCOTE circled in red*)



(*HEATHCOTE circled in red*)

Additionally, the FBI obtained a video, which was voluntarily provided by a person located at the Capitol on January 6, 2021, which depicted the exterior of the U.S. Capitol and HEATHCOTE can be observed approaching the Capitol building, where two officers in riot gear were guarding a door. In this video, your affiant observed the mole on HEATHCOTE's left cheek, similar to that as depicted in HEATHCOTE's Iowa driver's license photograph. HEATHCOTE can then be observed reaching for the door when one of the officers (Officer #1) moves between HEATHCOTE and the door. HEATHCOTE and Officer #1 engaged in a conversation, which is inaudible. Another rioter (Rioter) then moves towards the door, between HEATHCOTE and Officer #1. Meanwhile, HEATHCOTE engaged the second officer (Officer #2), also dressed in riot gear, in a conversation, which is inaudible. Rioter then pulled open the door and HEATHCOTE walked into the U.S. Capitol, while Rioter held the door open. Moments later, Rioter entered the Capitol after HEATHCOTE, and other rioters nearby started to enter the U.S. Capitol as well.

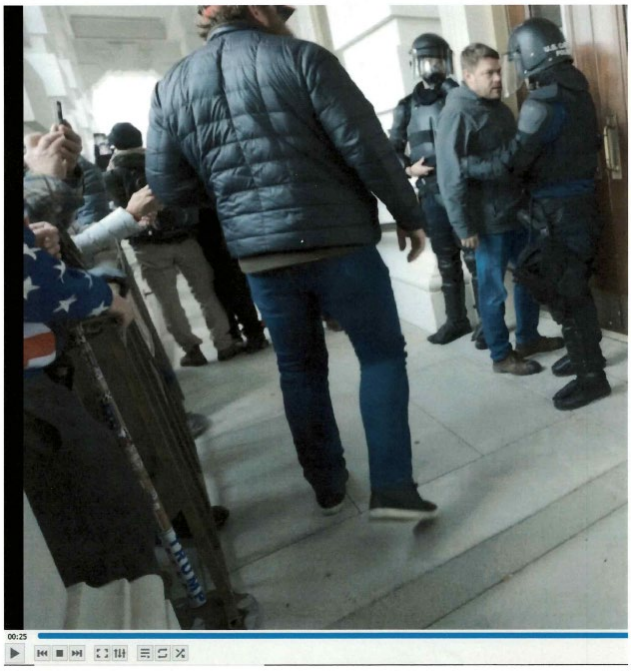
(*HEATHCOTE, circled in red, approaching the door guarded by Officers #1 and #2*)

(*HEATHCOTE circled in red engaging with Officer #1*)

(*HEATHCOTE circled in red, standing in front of Officer #2, Rioter circled in blue*)

(*HEATHCOTE circled in red and Rioter opening the door circled in blue*)

On October 7, 2021, Witness-2 was shown the below four photographs, and Witness-2 identified the individual depicted in the photographs as HEATHCOTE.



On December 15, 2021, the FBI interviewed another individual Witness-3, who reported seeing several members of his/her church make Facebook posts regarding January 6, 2021. During the interview, Witness-3 was shown the above four photographs of HEATHCOTE, which were previously shown to Witness-2. Witness-3 stated that he/she knew the individual in the photographs by the nickname "D-Love" and that the individual's name might be "Derrick" but

was not sure. Witness-3 then gave two telephone numbers that may be this individual's telephone numbers; however, the FBI have not been able to identify any connection between either telephone numbers and HEATHCOTE. Witness-3 then stated his/her close friend would remember the individual's name. Witness-3 also stated that the individual depicted in the photographs deleted his Facebook page shortly after January 6, 2021. Approximately 10 minutes after leaving the interview, Witness-3 contacted the FBI and indicated that he/she spoke to his/her close friend. The friend identified the individual with the nickname as "D-Love" as Chad Heathcote. Witness-3 stated that after hearing this, Witness-3 now recalls this individual to be named HEATHCOTE.

On or about March 22, 2022, the FBI interviewed another individual (Witness-4), who knows HEATHCOTE through work. Witness-4 was shown the below photograph, and Witness-4 identified the individual as HEATHCOTE. Witness-4 did not want to provide additional information.

(*photograph shown to Witness-4*)

Based on the foregoing, your affiant submits that there is probable cause to believe that HEATHCOTE violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that HEATHCOTE violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.

[redacted]

SPECIAL AGENT [redacted]
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 3rd day of May 2022.

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12:30:51 -04'00'

ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE